

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

JOHN DOHERTY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 04-370-SLR
	:	
NOREEN RENARD, JOSEPH	:	
PAESANI, JAMES LUPINETTI,	:	
MICHAEL TIGUE, and ROBERT I.	:	
GEORGE, JR.,	:	
	:	
Defendants.	:	

A N S W E R

Defendants through their attorney hereby answer the complaint as follows:

1. This is a legal contention for which no response is required.
2. This is a legal contention for which no response is required.
3. This is a legal contention for which no response is required.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.

12. Defendants lack sufficient information to determine the truth of this paragraph.
13. Denied as stated. Admitted that plaintiff was interviewed by the identified individuals and place and time specified. As to the balance of the paragraph, defendants are without sufficient information to determine the truth of the allegations.
14. Denied as stated. Admitted that plaintiff was interviewed by the identified individual at the place and time specified.
15. Denied.
16. Denied.
17. Denied.
18. Denied.
19. This is an incorporation paragraph for which no response is required.
20. Denied.
21. This is an incorporation paragraph for which no response is required.
22. Denied.
23. This is an incorporation paragraph for which no response is required.
24. Denied.
25. This is an incorporation paragraph for which no response is required.
26. Denied.
27. This is an incorporation paragraph for which no response is required.
28. Denied.

29. This is an incorporation paragraph for which no response is required.

30. Denied.

31. Denied.

First Defense

32. The complaint fails to state a claim upon which relief can be granted.

Second Defense

33. Plaintiff's claims are barred by accord and satisfaction.

Third Defense

34. Plaintiff's claims should be dismissed as the defendants are entitled to official immunity, including quasi-judicial immunity and qualified immunity.

Fourth Defense

35. Plaintiff's claims are barred by the exclusivity of workers compensation.

Fifth defense

36. Plaintiff's claims are barred by co-worker immunity pursuant to 19 *Del.C.* § 2363.

Sixth Defense

37. Plaintiff's claims are barred by the Eleventh Amendment to the U.S. Constitution.

Seventh Defense

38. Plaintiff's claims are barred by the appropriate statute of limitation or statute of repose.

WHEREFORE, defendants request judgment for all that is just and proper including judgment in their favor and attorneys fees and costs against the plaintiff.

/s/ Marc P. Niedzielski

Marc P. Niedzielski (# 2616)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8423

DATED: May 31, 2006

CERTIFICATE OF SERVICE

I certify that on May 31, 2006, I electronically served a copy of the attached Answer on the following:

Richard R. Wier, Jr., Esquire
Daniel W. Scialpi, Esquire
1220 Market Street, Suite 600
Wilmington, DE 19801

/s/ Marc P. Niedzielski
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